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**S.B. CIVIL MISC. APPEAL NO.186/2007.**
Dhanroop Vs. Basu Lal Damor & Ors.

Date of Order : 22nd March 2007.

**HON'BLE MR. JUSTICE DINESH MAHESHWARI**

Mr. Mahendra Trivedi, for the appellant.

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**BY THE COURT:**

Having heard learned counsel and having scanned through the entire record, this Court is clearly of opinion that this appeal by the claimant-appellant seeking enhancement remains devoid of merit.

While assessing the loss of the claimant-appellant, then about 55 years in age, due to bodily injuries sustained in vehicular accident including fractures on right femur bone and resultant 60% disablement of right knee joint of restriction of movement and stiffness, the Tribunal has allowed Rs.20,000/- towards pains and sufferings related with the injuries; Rs.7,200/- towards treatment expenditure as against the bills of Rs.7,112/-; and further Rs.5,000/- towards special diets and transportation. The Tribunal has further allowed Rs.50,000/- to the claimant-appellant for disablement and for loss of amenities of life and another Rs.3,000/- towards loss of income during treatment period. In this manner the Tribunal has the made award of compensation in the sum of Rs.85,200/- and has allowed interest @ 6% per annum from the date of filing of claim application.

It is true that the claimant-appellant is said to have suffered injury of fracture on right femur bone but comprehension of the evidence available on record makes it clear that the claimant-appellant was required to undergo treatment at the most for about two months and ultimately the injury healed. The certificate Ex.10 regarding disablement has not been issued by the treating doctors and is bereft of its basis, particularly about the examinations conducted on which the members of medical board assessed about 60% impairment of knee joint on restriction of movement and stiffness.

In any case, the victim has alleged himself to be earning Rs.6,000/- per month from 'Service and Agriculture' and has stated the name of his employer as 'Cooperative LAMPS, Dungra Chhota'. No corroborative evidence in relation to his such working and earning, whether from service or in agriculture, has been adduced on record; and the present one does not seem to be a case of any loss of earning capacity due to the after-effects of the injury.

In the aforesaid view of the matter, the award of compensation as made by the Tribunal remain reasonable and cannot be said to be grossly inadequate; and no case is made out for enhancement.

The appeal fails and is, therefore, dismissed summarily.

**(DINESH MAHESHWARI), J.**

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